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***Ex Parte* Notice**

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: ***Petition of AT&T Services, Inc., For Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain Rules for Switched Access Services and Toll Free Database Dip Charges*, WC Docket No. 16-363**

Dear Ms. Dortch:

Pursuant to the Public Notice issued on November 2, 2016 in the above-captioned docket, which designates this proceeding as a permit-but-disclose proceeding under the Commission's *ex parte* rules, Great Lakes Communication Corp. ("Great Lakes") respectfully submits this *ex parte* letter to address certain factual misstatements contained in the Reply Comments of Sprint filed on December 19, 2016 ("Sprint Comments").

Specifically, notwithstanding Sprint's obligation to make only truthful and accurate statements to the Commission, 47 C.F.R. § 1.17, the following statements in the Sprint Comments are false:

> Great Lakes Communications Corp., for example, receives IXC traffic in Des Moines from INS rather than in Spencer, Iowa, which is an INS interconnection point and the location of Great Lakes' switch. Great Lakes charges $0.0003 per mile multiplied by approximately 132 miles for a total charge of $0.00396 per minute to haul traffic from Des Moines to Spencer—a charge that is entirely duplicative of what IXCs are already being charged INS.

Sprint Comments at 5.

Had Sprint reviewed the Local Exchange Routing Guide before submitting this false statement to the Commission, Sprint would have learned that Great Lakes' point of interconnection with INS is, in fact, in Spencer.

Similarly, had Sprint reviewed the switched access charges that Great Lakes assesses upon Sprint pursuant to tariff before submitting this false statement to the Commission, it would have learned that Great Lakes charges Sprint $0.0003 for **one mile** of transport—**not 132 miles**—between Great Lakes' point of interconnection with INS in Spencer and Great Lakes'

switch in Spencer.[1] Great Lakes is willing, with Sprint's consent and/or appropriate protection for the confidentiality of CPNI, to submit a copy of its recent switched access invoices to Sprint to corroborate this statement.

Extrapolating from its own mischaracterized experience with Great Lakes, Sprint goes on to claim that the "FCC reduced and ultimately will eliminate Great Lakes [*sic*] end office charges under the CAF Order, but IXCs are still being billed more than 1.3 cents per minute ($0.01319) even though the IXCs are willing to pay for transport directly to Great Lakes [*sic*] switch on their own or through third-parties." Sprint Comments at 5. It is unclear which "IXCs" Sprint is speaking on behalf of here, but Great Lakes can confirm that it bills all IXCs that receive its tariffed switched access service for the same **one mile** of transport that it charges Sprint.

This troubling indifference to the truth raises a second important concern that the Commission must keep in mind in evaluating AT&T's forbearance petition. The Sprint Comments are similar to the many unsubstantiated claims that AT&T makes in its petition. Indeed, Sprint concludes the paragraph cited immediately above with the following plea: "The combined rate of $0.01319 creates plenty of profit to continue to make traffic pumping extremely lucrative **to the detriment of consumers** despite the elimination of end-office switching rates under the CAF Order." *Id*. (emphasis added).

Predictably, Sprint does not offer any *factual* support for its claim that its false tally of INS's and Great Lakes' access charges has any effect on consumers, much less a detrimental one. The Commission has already substantially eliminated access-stimulating LECs' terminating end office access charges. Thus, as with all factual findings by the Commission, Sprint needed to offer substantial evidence to support the counterintuitive notion that consumers are being harmed by *declining* terminating access charges.[2] Neither Sprint nor AT&T have offered any such evidence.

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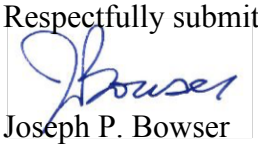
[1] By extension, the following statements in Sprint's Comments are therefore also false, or at least entirely unsubstantiated in light of the fact that Great Lakes is the only offered "example" of Sprint's counterfactual claims: "The gamesmanship between INS and traffic pumping CLECs in Iowa is particularly galling as the expensive rates charged by INS are compounded by traffic pumping CLECs charging again for the same transit service…. But some traffic pumping CLECs choose to receive traffic in Des Moines and then bill IXCs—essentially double billing—to take the traffic more than 100 miles across the state (charging by the mile every step of the way) rather than receive the traffic at the closest point on the INS network." Sprint Comments at 4.

[2] *See, e.g., Defs. of Wildlife & Ctr. for Biological Diversity v. Jewell*, 815 F.3d 1, 9 (D.C. Cir. 2016) ("An agency's factual findings must be upheld when supported by substantial evidence in the record considered as a whole. Substantial evidence means enough evidence to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn ... is one of fact for the jury.") (internal citation and quotations omitted); *W. Virginia Pub. Servs. Comm'n v. U. S. Dep't of Energy*, 681 F.2d 847, 853 (D.C. Cir. 1982) (reversing agency ruling where "factual conclusions vital to the agency's detailed consideration are not supported by substantial record evidence, as they must be.").

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules. Please contact me if you have any questions.

Respectfully submitted,



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